

**Finance Brokers
Association of Australia
Limited**
ACN 094 784 040

Disciplinary Rules

FBAA Disciplinary Rules - Contents

1	INTRODUCTION	3
2	DEFINITIONS AND INTERPRETATION	4
2.1	DEFINITIONS	4
2.2	INTERPRETATION	6
3	COMPLAINTS AND INVESTIGATIONS	9
3.1	COMPLAINT MAKING PROCESS	9
3.2	RESPONSE TO COMPLAINT	10
3.3	INVESTIGATIONS	13
4	THE TRIBUNAL	15
4.1	ESTABLISHMENT & FUNCTION	15
4.2	COMPOSITION AND APPOINTMENT	15
4.3	TRIBUNAL PROCEEDINGS	16
4.4	RULES OF THE TRIBUNAL	17
4.5	TRIBUNAL DECISIONS	19
4.6	ORDERS BY THE TRIBUNAL	20
4.7	REGISTER OF TRIBUNAL DECISIONS	22
5	LEGAL PROCEEDINGS AND INDEMNITIES	23
6	AMENDMENT OF RULES	23

1 INTRODUCTION

These are the Disciplinary Rules for the Finance Brokers Association of Australia (the **Association**). They are established under the terms of the Constitution of the Association.

These Rules describe the following:

- The process by which a Complaint about a membership application to the Association;
- The process by which a Complaint can be made by a Member of the Association or a Client of a Member of the Association about misconduct can be made;
- How Complaints about membership or misconduct are handled; and
- The establishment of the Finance Broker's Tribunal including its functions, powers and rules.

Part 2 provides definitions and rules of interpretation of these Disciplinary Rules.

Part 3 provides for the Complaint process and Investigation of Membership Complaints and Misconduct Complaints

Part 4 establishes the Finance Broker's Tribunal and the conduct of any proceedings before it.

Part 5 provides for any legal proceedings and indemnities provided.

Part 6 provides the manner in which the Rules may be amended.

2 DEFINITIONS AND INTERPRETATION

2.1 DEFINITIONS

In these Rules, the following words and phrases have the meanings and references set out below:

Application Fee	Means the fee set by the Board from time to time and published by the Association.
Association	Means the Finance Brokers Association of Australia.
Board	Means the Board of the Association.
Business Day	Means a day that is not a Saturday, a Sunday or a public holiday or bank holiday in the place in which the thing is to be done or may be done under these Rules.
Chairperson	Means the person elected to the Tribunal pursuant to section 4.2.2 of these Rules.
Client	Means a person who engages a Member of the Association to provide finance broking services.
Code of Conduct	Means the Code of Conduct of the Association and any modification or re-enactment.
Complaint	Means any communication in writing made by a Complainant setting out particulars of a Membership Complain or a Misconduct Complaint.
Complainant	Means any person who is capable of making a valid Complaint under section 3.1.1 of these Rules.
Constitution	Means the Constitution of the Association.
Corporation	Means an entity that is incorporated under the <i>Corporations Act 2001</i> (Cth)
Credit Provider	Means an entity that interacts with a Member with a view to offering finance to a Client.

DRS	Means the Dispute Resolution Service which may be offered by a Member in order to facilitate the resolution of disputes that the Member may have with a Client.
Former Member	Means a person whose renewal application for membership has been rejected.
Government Agency	<p>Means an entity established under legislation that has powers to regulate particular entities.</p> <p>Examples of Government Agencies are:</p> <ul style="list-style-type: none">• Australian Securities and Investments Commission;• Australian Competition and Consumer Commission; and• The Office of the Australian Information Commission;
Investigation	Means the process under section 3.3 whereby information relating to a Misconduct Complaint or Membership Complaint is investigated.
Investigation Report	Means a report or recommendation provided by the party conducting the Investigation at the conclusion of an Investigation.
Misconduct Complaint	Means a Complaint made by a person identified in section 3.1.1(2) of these Rules against a Member on the grounds outlined in sections 3.1.2(3) or 3.1.2(4) of these Rules.
Member	Means a Member of the Association
Membership Complaint	Means a Complaint made by a person identified in section 3.1.1(1) of these Rules on the grounds outlined in sections 3.1.2(1) or 3.1.2(2) of these Rules.
Officer	As defined by the <i>Corporations Act 2001</i> (Cth).
Order	Means any award made by the Tribunal pursuant to section 4.6 of these Rules.
Prospective Member	Means a person who has applied to become a Member of the Association.

Rules	Means the rules set out in this document under the title “Disciplinary Rules of the Finance Brokers Association of Australia”.
Show Cause Notice	Means a notice sent by the Board to a Member directing the Member to submit reasons why the Member should continue to hold membership with the Association.
Tribunal	Means the Tribunal established under section 4 of these Rules.
Tribunal Member	Means the person elected to the Tribunal pursuant to section 4.2.3 of these Rules.

2.2 INTERPRETATION

In the Interpretation of the Rules the following principles must be applied:

2.2.1 Headings

All headings are used for guidance only.

2.2.2 Persons

A person includes, in addition to references to natural persons, partnerships, associations, corporations, companies unincorporated and incorporated whether by Act of Parliament or otherwise.

2.2.3 Singular connotes plural

A reference to any term in the singular tense includes the plural of that term and vice versa.

2.2.4 Gender References

A reference to any specific gender includes all other genders or gender identity.

2.2.5 Statutory Provisions

All statutory provisions are construed as references to any statutory modification or re-enactment for the time being in force.

2.2.6 Method of serving notices

Where these Rules require a notice to be given, the notice must be given in the following manner and will be deemed to be received in accordance with this section:

Method of Notice

Deemed Receipt

Delivered in person to the Member

When delivered to the Member.

In the case of a Notice being sent to a Member, Prospective Member or Former Member by post - to the address of the person as described in the person's membership application or renewal or the last address of the person known to the Association.

3 Business Days from the day of postage (including the date of postage)

In the case of a Notice being sent to a Complainant by post – to the address of the Complainant specified in the Complaint.

In the case of a Notice being sent to a Member, Prospective Member or Former Member by electronic mail (either by email or by facsimile transmission) - to the address (being the facsimile number or email address) of the person as described in the person's membership application or renewal or the last address of the person known to the Association.

When receipt confirmation is received by the sender or when receipt is deemed by virtue of legislation.

In the case of a Notice being sent to a Complainant by electronic mail (either by email or by facsimile transmission) – to the address (being the facsimile number or email address) of the Complainant specified in the Complaint.

Where the delivery or receipt occurs on a day that is not a Business Day or occurs after 4:00pm (in the time zone of the Member) then it is regarded as having been delivered or received on the following Business Day.

2.2.7 Order of precedence

- (1) Any inconsistency between these Rules and any piece of legislation, the Constitution or the Code of Conduct will be resolved in accordance with the following priorities:
- (a) Any piece of legislation;
 - (b) The Constitution;
 - (c) The Code of Conduct; and
 - (d) These Rules.

2.2.8 Subsections

A reference to a subsection followed by a number and, if applicable, a letter reference refers to the subsection within the same section as the reference.

3 COMPLAINTS AND INVESTIGATIONS

3.1 COMPLAINT MAKING PROCESS

3.1.1 Who can make a Membership or Misconduct Complaint

- (1) The following persons may make a Membership Complaint under these Rules:
 - (a) A Prospective Member;
 - (b) An Officer of a Prospective Member, where the Prospective Member is a Corporation;
 - (c) A Former Member; or
 - (d) An Officer of a Former Member, where the Former Member is a Corporation.

- (2) The following persons may make a Misconduct Complaint under these Rules:
 - (a) The Board;
 - (b) A Client;
 - (c) A Credit Provider; or
 - (d) A Member.

3.1.2 What are the grounds for Complaints

- (1) A Prospective Member or an Officer of a Prospective Member may only make a Membership Complaint on the ground that the decision to refuse a membership application to the Association was made improperly.

- (2) A Former Member or an Officer of a Former Member may only make a Membership Complaint on the ground that the decision to refuse a membership renewal application to the Association was made improperly.

- (3) A Member, Credit Provider or Client may make a Misconduct Complaint on any of the following grounds:
 - (a) That a Member has breached the Code of Conduct; or
 - (b) That a Member has acted contrary to any piece of legislation that imposes obligations on Members for the benefit of Clients.

- (4) The Board may make a Misconduct Complaint on any of the following grounds:
 - (a) That a Member has breached the Constitution;
 - (b) That a Member has breached the Code of Conduct; or
 - (c) That a Member has acted contrary to any piece of legislation that imposes obligations on Members for the benefit of Clients.

3.1.3 How are Complaints made

- (1) Complaints must be made in writing and submitted to the Board at its principal office or at such other office or in such manner as the Board or Association may specify from time to time.
- (2) The Board is exempt from this requirement.

3.2 RESPONSE TO COMPLAINT

3.2.1 Actions upon Receipt of a Membership Complaint

- (1) As soon as practicable after receipt of a Membership Complaint, the Board must:
 - (a) Send a notice to the Complainant confirming receipt of the Complaint; and
 - (b) Decide whether to:
 - (i) Reverse the Board's decision which is the subject of the Membership Complaint;
 - (ii) Conduct an Investigation into the Membership Complaint under section 3.3;
 - (iii) directly refer the Membership Complaint to the Tribunal; or
 - (iv) Reject the Membership Complaint.
- (2) Where the Board makes a decision under subsection (1)(b), the Board must notify the Complainant of the decision and the reasons for the decision.

3.2.2 Actions upon Receipt of a Misconduct Complaint

- (1) As soon as practicable after receipt of a Misconduct Complaint, the Board must:
 - (a) send a notice to the Complainant confirming receipt of the Complaint subject to subsection (4);
 - (b) decide whether to:
 - (i) issue a Show Cause Notice;
 - (ii) directly refer the Misconduct Complaint to the Tribunal;
 - (iii) refer the Misconduct Complaint to a Government Agency;
 - (iv) conduct an Investigation into the Misconduct Complaint under section 3.3;
 - (v) if the Board considers it more appropriate, to advise the Complainant that the Complainant should refer the matter to the DRS; or

- (vi) reject the Misconduct Complaint.
- (2) Subject to subsection (4), where the Board makes a decision under subsection (1)(b), the Complainant must be notified of the decision and the reasons for the decision.
- (3) Where the Complaint is a Misconduct Complaint, the Board must notify the Member:
 - (a) that a Complaint has been made against them;
 - (b) the grounds for the Complaint;
 - (c) the decision made under subsection (1)(b); and
 - (d) the reasons for the decision.
- (4) The Board is exempt from the requirement under subsections (1)(a) and (2) where the Complainant is the Board.

3.2.3 Issuing a Show Cause Notice

- (1) The Board may issue a Show Cause Notice regardless of whether a Misconduct Complaint has been made where the Board reasonably believes that:
 - (a) That a Member has breached the Constitution;
 - (b) That a Member has breached the Code of Conduct; or
 - (c) That a Member has acted contrary to any piece of legislation that imposes obligations on Members for the benefit of Clients.
- (2) Upon receipt of a Show Cause Notice, the Member may, within 7 days, elect to refer the matter to the Tribunal by:
 - (a) Notifying the Board in writing of the election; and
 - (b) Paying the Application Fee to the Board.
- (3) If the Member has not elected to refer the matter to the Tribunal under subsection (2) then the Member must respond to the Show Cause Notice within fourteen (14) days or such longer period as the Board specifies in the Show Cause Notice.
- (4) Upon receipt of a Member's response to a Show Cause Notice, the Board may:
 - (a) Decide such action it considers appropriate under the Constitution;
 - (b) Refer the matter to the Tribunal;
 - (c) Conduct an Investigation under section 3.3; or
 - (d) Decide to take no further action.

- (5) Subject to subsection (6), the Board must notify the Complainant and the Member of its decision made under subsection (4).
- (6) The Board is exempt from the requirement to notify the Complainant under subsections (4) where the Complainant is the Board.

3.2.4 Direct Referral to the Finance Broker's Tribunal

- (1) The Board may directly refer a Misconduct Complaint to the Tribunal if the Board reasonably believes:
 - (a) That a Member has breached the Constitution;
 - (b) That a Member has breached the Code of Conduct; or
 - (c) That a Member has acted contrary to any piece of legislation that imposes obligations on Members for the benefit of Clients.
- (2) The Board may directly refer a Membership Complaint to the Tribunal.

3.2.5 Direct Referral to a Government Agency

- (1) The Board may directly refer a Misconduct Complaint to a Government Agency if it reasonably believes that it is more appropriate that the Complaint be dealt with by a Government Agency that has jurisdiction to deal with the subject matter of the Misconduct Complaint.

3.2.6 Rejection of Complaints

- (1) The Board may reject a Misconduct Complaint or Membership Complaint if the Board reasonably believes that the Complaint is:
 - (a) Not properly made;
 - (b) Frivolous;
 - (c) Vexatious;
 - (d) Defamatory; or
 - (e) Otherwise an abuse of process.
- (2) The Board must notify the Complainant of the rejection.
- (3) Upon receipt of notice of the rejection, the Complainant may, within 7 days, elect to refer the Complaint to the Tribunal by:
 - (a) Notifying the Board in writing of the election; and
 - (b) Paying the Application Fee.

3.3 INVESTIGATIONS

3.3.1 When can an Investigation occur

- (1) The Board may conduct an Investigation where it is in the interests of the Association or Clients that an Investigation occur prior to the Board taking any further action.
- (2) Subject to subsection (3), where the Board decides to conduct an Investigation, it must notify:
 - (a) The Complainant, where a Complaint has been made; and
 - (b) The Member.
- (3) The Board may conduct an Investigation without giving notice to the Complainant or the Member if the Board reasonably believes that giving notice may prejudice the conduct of the Investigation.
- (4) The Board may delegate the responsibility of the conduct of an Investigation to:
 - (a) A committee of the Board;
 - (b) An individual Board member;
 - (c) Another Member, having not less than ten (10) years' experience as a finance broker and five (5) years' continuous membership of the Association; or
 - (d) An external legal advisor.

3.3.2 Privacy during Investigations

- (1) Subject to subsection (2), the Board must, at all times, ensure that the personal information of the Complainant is kept confidential.
- (2) If, in the course of an Investigation conducted under section 3.3:
 - (a) The Board reasonably believes that the Complainant's identity must be disclosed to the Member or any other person in order to ensure procedural fairness or the effective conduct of the Investigation;
 - (b) The Complainant refuses to provide written consent allowing the disclosure; and
 - (c) The Board cannot verify the substance of the Complaint without reference to the Complainant's identity

then the Board may:

- (d) Dismiss the Complaint and take no further action; and

- (e) Notify the Member and Complainant that the Complaint has been dismissed.

3.3.3 Cooperation by Members

- (1) A Member who is the subject of an Investigation must give reasonable assistance to the conduct of the Investigation including:
 - (a) Responding to any requests for information;
 - (b) Providing details of any mitigating factors or reasons to reject of the Complaint.

3.3.4 Outcome of Investigation

- (1) At the conclusion of the Investigation, the party conducting the Investigation must prepare an Investigation Report to be tabled at the next convenient meeting of the Board.
- (2) The Investigation Report shall contain the following matters:
 - (a) The conduct that is the subject of the Complaint;
 - (b) The facts that support the Complaint; and
 - (c) The facts that do not support the Complaint.
- (3) The Board, when considering the Investigation Report may:
 - (a) Decide such action it considers appropriate under the Constitution;
 - (b) Refer the matter to the Tribunal; or
 - (c) Decide to take no further action.
- (4) The Board must notify the Complainant and the Member of its decision made under subsection (3).

4 THE TRIBUNAL

4.1 ESTABLISHMENT & FUNCTION

- (1) This Part establishes the Tribunal.
- (2) The function of the Tribunal is to adjudicate upon and determine Misconduct Complaints and Membership Complaints that are referred to it.
- (3) The Tribunal does not have the jurisdiction to determine legal disputes that arise under contract, tort or any other area of law except so far as is necessary to allow for the Tribunal to determine a Membership Complaint or Misconduct Complaint.

4.2 COMPOSITION AND APPOINTMENT

4.2.1 Composition

- (1) The Tribunal must consist of
 - (a) A Chairperson; and
 - (b) At least two Tribunal Members who are nominated by the Board and approved by the Chairperson.
- (2) The Chairperson will be appointed on such engagement terms as to be determined by the Board.
- (3) The party who conducted the Investigation under section 3.3 cannot be appointed to the Tribunal where the Tribunal is determining the Complaint that was the subject of the Investigation.

4.2.2 Appointment and Requirements of the Chairperson

- (1) The Board must appoint a person to be the Chairperson of the Tribunal who is a current or retired Australian legal practitioner who, in the reasonable opinion of the Board, is appropriately qualified and experienced.
- (2) The Chairperson must not be a current Member or an employee of a current Member.

4.2.3 Appointment of Tribunal Members

- (1) The Board must appoint two Tribunal Members to assist the Chairperson in determining any matter before the Tribunal.

- (2) The Board may only appoint a person as a Tribunal Member if the person is another Member having not less than ten (10) years' continuous experience as a finance broker and five (5) years' continuous membership of the Association immediately prior to being appointed.

4.2.4 Conflict of Interest

- (1) Where the Chairperson has an interest that may conflict or be perceived to conflict with the proper performance of the Chairperson's function, the Chairperson must disclose that interest and must either:
 - (a) Recuse himself or herself as Chairperson; or
 - (b) Continue to function as Chairperson only if the parties provide their written consent.
- (2) Where a Tribunal Member has an interest that may conflict or be perceived to conflict with the proper performance of the Tribunal Member's function, the Tribunal Member must disclose that interest and must either:
 - (a) Recuse himself or herself as Tribunal Member; or
 - (b) Continue to function as a Tribunal Member only if the parties provide their written consent.

4.3 TRIBUNAL PROCEEDINGS

- (1) The Chairperson must convene the Tribunal as soon as practicable after the referral of the Membership Complaint or Misconduct Complaint and conduct proceedings of the Tribunal by any means as the Chairperson considers appropriate including, but not limited to:
 - (a) In person by formal hearing;
 - (b) By telephone;
 - (c) by audiovisual link; or
 - (d) by written correspondence.
- (2) In determining the appropriate method of proceeding to decide the Membership Complaint or Misconduct Complaint, the Chairperson may also decide upon any particulars required to assist the chosen procedural method.
- (3) The Tribunal must use all reasonable endeavours to decide all Membership Complaints and Misconduct Complaints in an expeditious manner.
- (4) The Tribunal may in its absolute discretion, direct the relevant Member or Complainant to provide within a reasonable time:

- (a) Any submissions on the Membership Complaint or Misconduct Complaint;
or
 - (b) Any information on the matters relating to the Membership Complaint or Misconduct Complaint as it considers necessary to assist the Tribunal to make a decision.
- (5) The Tribunal may proceed to decide any Membership Complaint or Misconduct Complaint notwithstanding the failure of the Member or Complainant to provide any material directed by the Tribunal under subsection (4) within a reasonable time.
- (6) The Tribunal may in its absolute discretion join any such Misconduct Complaints that arise out of the same factual matrix.
- (7) The Tribunal may adjourn its proceeding from time to time for the purposes of obtaining more information or deciding the matter for it.

4.4 RULES OF THE TRIBUNAL

4.4.1 Natural Justice and Procedural Fairness

- (1) The principles of natural justice and procedural fairness are paramount to the decisions of the Tribunal.
- (2) Subject to subsection (1), the Tribunal may give a direction or make an Order that is inconsistent with the Rules in this Part.

4.4.2 Rules of Evidence

- (1) Subject to subsection (2), the Tribunal may have regard to the rules of evidence.
- (2) The Tribunal may dispense with the rules of evidence and may instead inform itself as to the facts of the matter in such manner and on such proof it considers expedient.

4.4.3 Burden of Proof

- (1) Subject to subsection (2), in any Complaint before the Tribunal, there is no burden of proof.
- (2) Where the Tribunal is required to make a decision, the more serious the Complaint, the more probative or stronger the facts or evidence needs to be in support of the substance of the Complaint.

4.4.4 Policy or Precedents

- (1) The Tribunal must consider each matter on its merits. However, the Tribunal may take into account the past decisions of the Tribunal.

4.4.5 Matters that may be considered in the determination of Misconduct Complaints

- (1) In making a decision regarding a Misconduct Complaint, the Tribunal may have regard to whether:
 - (a) the conduct that is the subject of the Misconduct Complaint:
 - (i) Is due to carelessness, inadvertence, recklessness or was intentional;
 - (ii) Was an isolated incident;
 - (iii) Was a result of incompetence or irresponsibility and whether such incompetence or irresponsibility may be rectified by training;
 - (iv) Exhibited a disregard for the law or the Code of Conduct;
 - (v) Resulted in damage or loss for the Complainant or a third party;
 - (vi) Has be addressed by a Government Agency; or
 - (vii) Did not involve a breach of confidentiality; and
 - (b) the Member has:
 - (i) attempted to remedy the conduct that is the subject of the Complaint or the Complaint itself;
 - (ii) has a history of Complaints;
 - (iii) exhibits a systemic problem or pattern of non-compliance with the law or the Code of Conduct; or
 - (iv) relied upon professional (including legal and accounting) advice.

4.4.6 False Evidence

- (1) Subject to subsection (2), where the Complainant provides the Tribunal with evidence that is shown to be false, the Tribunal may:
 - (a) Immediately reject the Complaint; or
 - (b) Take the occurrence into account when deciding:
 - (i) Whether a contravention has occurred;
 - (ii) The penalty to be imposed on the Member.
- (2) Evidence can only be shown to be false by:
 - (a) Providing the Tribunal with corroborated evidence to the contrary; and
 - (b) A submission as to how and why the evidence provided is false.

4.4.7 Vicarious Liability

- (1) Subject to subsection (2), where the Member who is subject to a Misconduct Complaint is a Corporation, the Tribunal may deem the actions or omissions of the Member's employees to constitute the actions or omissions of the Member.
- (2) Subsection (1) does not apply where, in the opinion of the Tribunal, it would be unfair and inequitable to attribute liability to the Member in the circumstances.

4.4.8 Assistance of the Investigator

- (1) Subject to subsection (2), the Tribunal may request the party who conducted an Investigation under section 3.3 to assist the Tribunal in proceedings before it.
- (2) The party who conducted an Investigation may assist the Tribunal in determining whether:
 - (a) the facts presented by the parties are consistent with the facts that were presented by the same parties during the Investigation; and
 - (b) the facts presented by the parties are consistent with the facts understood by the party who conducted an Investigation.

4.4.9 Hearings

- (1) Any hearing conducted by the Tribunal shall be in private and shall only be attended by such persons as the Tribunal may direct.
- (2) The Tribunal may give directions as to the order of evidence and addresses, and generally as to the conduct of any hearing.

4.4.10 Legal Representation

- (1) Any party seeking to appear at a hearing (other than solely as a witness) may seek leave to be legally represented and the grant or withdrawal of such leave shall be at the discretion of the Tribunal.

4.5 TRIBUNAL DECISIONS

4.5.1 How may the Tribunal Decide a Complaint

- (1) The Chairperson of the Tribunal has the authority to determine a Membership Complaint or Misconduct Complaint after conferring with the Tribunal Members.
- (2) Subject to subsection (3), The Tribunal may:
 - (a) Dismiss the Complaint;

- (b) Dismiss the Complaint but determine that the Tribunal should make Orders under section 4.6;
 - (c) Uphold the Complaint and make Orders under section 4.6;
 - (d) Uphold the Complaint but due to exceptional circumstances decide not to make any Orders under section 4.6;
 - (e) Remit the Complaint to the Board for further Investigation
- (3) The Tribunal may make any decision pursuant to subsection (2) only if the Tribunal is satisfied that:
- (a) there are reasonable grounds to make the decision; and
 - (b) the reasonable grounds are based upon facts that are relevant, credible and logically consistent with the conduct that is the subject of the Complaint.
- (4) The Tribunal must provide reasons for its decision to the parties as soon as practicable.
- (5) Where the Tribunal decides to remit a Complaint to the Board under subsection (2)(e), the Tribunal must, in addition to its reasons, specify the particular facts that require further Investigation.

4.5.2 Effect of Tribunal Decisions

- (1) A decision of the Tribunal is binding and has effect from:
- (a) A date specified by the Tribunal; or
 - (b) If a date is not specified by the Tribunal, the date that reasons are provided to the parties.
- (2) A decision of the Tribunal is binding upon the Association and all parties to the proceeding.
- (3) The Tribunal may in its absolute discretion vary or overrule its decision where it is of the view a mistake has been made or it has been misled.

4.6 ORDERS BY THE TRIBUNAL

4.6.1 Orders where a Complaint is Upheld

- (1) Where the Tribunal upholds a Membership Complaint, the Tribunal may make an Order that:
- (a) The Complainant be admitted as a Member of the Association absolutely;

- (b) The Complainant be admitted as a Member of the Association subject to conditions; or
 - (c) The Association pay the Complainant a financial contribution in such amount as the Tribunal may determine, having regard to the reasonable costs and expenses directly incurred by the Complainant in relation to the Tribunal proceedings.
- (2) Where the Tribunal upholds a Misconduct Complaint, the Tribunal may make any of the following Orders, including combinations thereof:
- (a) The membership of the Member be cancelled or suspended; for a period of time;
 - (b) The membership of the Member be subject to any conditions appropriate for a specific period of time;
 - (c) The Member be officially warned or reprimanded;
 - (d) The Member take any steps required to remedy the Misconduct;
 - (e) The Member conduct supervised practice for a period of time;
 - (f) The Member attend any education or compliance program the Tribunal determines;
 - (g) Any person affected by the decision be notified of the decision; or
 - (h) The Member make a financial contribution to the Association in such amount as the Tribunal determines, having regard to the reasonable costs and expenses incurred by the Tribunal arising in relation to the Misconduct Complaint and any other losses, costs or expenses incurred by the Association in relation thereto.

4.6.2 Orders where a Complaint is Dismissed

- (1) Where the Tribunal dismisses a Membership Complaint, the Tribunal may make an Order that the Member pay the Association a financial contribution in such amount as the Tribunal may determine, having regard to the reasonable costs and expenses directly incurred by the Tribunal arising in relation to the Membership Complaint and any other losses, costs or expenses incurred by the Association in relation thereto.
- (2) Where the Tribunal dismisses a Misconduct Complaint, the Tribunal may make an Order that the Association pay the Member a financial contribution in such amount as the Tribunal determines, having regard to the reasonable costs and expenses incurred by the Member in relation to the Tribunal proceedings.

4.6.3 Recovery of financial contributions

Where the Tribunal makes an Order requiring the payment of a financial contribution, such contribution may be recoverable as a debt in any court of competent jurisdiction.

4.7 REGISTER OF TRIBUNAL DECISIONS

- (1) The Board must:
 - (a) Record all decisions and reasons for decisions of the Tribunal in a manner considered to be appropriate; and
 - (b) Maintain a register of Tribunal decisions and reasons for decisions.
- (2) The register of decisions must document:
 - (a) The Member's name;
 - (b) Any findings of misconduct;
 - (c) Any Orders made from time to time against the Member.
- (3) Where an Order is made under subsection (2), the Member:
 - (a) Consents to the publication of the information contained in subsection (2); and
 - (b) Waives and releases any right to bring an action with respect to such publication.

5 LEGAL PROCEEDINGS AND INDEMNITIES

- (1) A Member must not bring any legal action or proceeding against the Association or the Tribunal with respect to any publication under section 4.7 of decisions that arose from circumstances that occurred whilst the person was a Member.
- (2) A person who is no longer a Member must not bring any legal action or proceeding against the Association or the Tribunal with respect to any publication under section 4.7 of decisions that arose from circumstances that occurred whilst the person was a Member.
- (3) The Association indemnifies the Chairperson and all Tribunal Members, employees, contractors and agents against any claim or proceeding brought against the person arising out of or in connection with these Rules.

6 AMENDMENT OF RULES

These Rules may be amended in such manner as is provided in the Constitution.